

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MAHMOUD O. ALILI,

Plaintiff,

v.

E.B.F. HOLDINGS, *et al.*,

Defendants.

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Case No. 1:24-cv-00356-JPH

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation (Doc. 9) issued by Chief Magistrate Judge Stephanie K. Bowman on October 16, 2024. The Magistrate Judge recommends that Defendants' Motion to Dismiss (Doc. 7) be granted, with Plaintiff's Complaint (Doc. 1) being "dismissed with prejudice for failure to state a claim against any Defendant." Doc. 9, PageID 39. No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

Having carefully reviewed the comprehensive findings and conclusions of the Magistrate Judge and finding no clear error, the Court hereby **ADOPTS** the Report and Recommendation in its entirety. *See* Fed. R. Civ. P. 72 (advisory committee notes) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the fact of the record in order to accept the recommendation"); *see e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-cv-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022).


As relevant to the instant case, "[a] district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally implausible,

attenuated, unsubstantial, *frivolous*, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999) (emphasis added) (citing *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974) (collecting cases)). A complaint is frivolous “where it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Here, Chief Magistrate Judge Bowman found that the Complaint was “so devoid of factual detail that it fails to state a claim as a matter of law against *any* Defendant,” even though Defendant Global Solutions Biz LLC and Defendant Charles A. Chenault “ha[d] not yet appeared or otherwise moved to dismiss.” Doc. 9, PageID 39 (emphasis added).

Accordingly, it is hereby **ORDERED** that the Complaint (Doc. 1) be **DISMISSED WITH PREJUDICE** for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). The Court **DIRECTS** the Clerk to enter judgment and **TERMINATE** this matter on the Court’s docket.

IT IS SO ORDERED.

Dated: January 13, 2025


Hon. Jeffrey P. Hopkins
United States District Judge